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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16
17 SECURITIES AND EXCHANGE
18 COMMISSION,

19 Plaintiff,

20 vs.

21 JAMMIN' JAVA CORP., dba MARLEY
22 COFFEE, SHANE G. WHITTLE,
23 WAYNE S. P. WEAVER, MICHAEL K.
24 SUN, RENE BERLINGER, STEPHEN B.
25 WHEATLEY, KEVIN P. MILLER,
26 MOHAMMED A. AL-BARWANI,
27 ALEXANDER J. HUNTER, and
28 THOMAS E. HUNTER,

Defendants.

Case No. 2:15-CV-08921-SVW-MRW

**DECLARATION OF
TIMOTHY S. LEIMAN IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT – AND ATTACHED
EXHIBITS**

1 I, Timothy S. Leiman, declare pursuant to 28 U.S.C. § 1746, that
2 the following is true and correct, that this declaration is made on my
3 personal knowledge, and that I am competent to testify as to the
4 matters stated below:

5 1. I am employed as Senior Trial Counsel in the Division of
6 Enforcement of the United States Securities and Exchange Commission
7 (the “Commission” or the “SEC”) in its regional office in Chicago, Illinois. I
8 am lead counsel for the SEC in this litigation.

9 2. I am an attorney in good standing admitted to practice by the
10 State of Illinois and admitted *pro hac vice* in this action. I make this
11 declaration in support of the SEC’s Motion for Partial Summary
12 Judgment As To Liability Against Defendant Wayne Weaver (“Weaver”).
13 I have personal knowledge of the following facts.

14 3. The following are true and correct copies of documents as they
15 were obtained by the SEC in the investigation and litigation of this
16 matter. They are submitted in support of the SEC’s Motion for Summary
17 Judgment against Defendant Wayne Weaver. In a contemporaneously
18 filed Local Rule 56-1 Statement of Uncontroverted Facts and Conclusions
19 of Law in support of the SEC’s Motion for Partial Summary Judgement,
20 the SEC will cite to these documents as “SJ Exhibit__.”

21 4. Attached as **Exhibit 1** is a true and correct copy of a March
22 29, 2017 declaration by SEC Senior Accountant R. Kevin Barrett and
23 related summary exhibits.

24 5. Attached as **Exhibit 2** is a true and correct copy of
25 excerpts from the transcript of the February 7, 2017 deposition of Rene
26 Berlinger in this case.

27 6. Attached as **Exhibit 3** is a true and correct copy of
28 excerpts from account opening documents for Calgon Invest, S.A.

1 (“Calgon”), produced to the SEC by the Cayman Islands Monetary
2 Authority (“CIMA”) in response to a request by the SEC under the
3 International Organization of Securities Commissions’ (“IOSCO’s”)
4 Multilateral Memorandum of Understanding (“MOU”). These pages are
5 part of a group of documents marked as Deposition Exhibit 97 in the
6 deposition of Rene Berlinger.

7 7. Attached as **Exhibit 4** is a true and correct copy of
8 excerpts from account opening documents for Timotei Overseas, Inc.
9 (“Timotei”) at Verdmont Capital, S.A. (“Verdmont”) produced to the SEC
10 by the Superintendencia del Mercado de Velores – the Panamanian
11 securities regulatory authority (the “SMV”).

12 8. Attached as **Exhibit 5** is a true and correct copy of
13 excerpts from the transcript of the January 26, 2017 deposition of Michael
14 Sun in this case.

15 9. Attached as **Exhibit 6** is a true and correct copy of a
16 September 12, 2010 E-mail from Wayne Weaver to Michael Sun produced
17 by Stephen Wheatley in response to the SEC’s document requests in this
18 case. This e-mail was previously marked as Deposition Exhibit 25 at the
19 deposition of Michael Sun.

20 10. Attached as **Exhibit 7** is a true and correct copy of
21 the February 20, 2009 Articles of Incorporation for Donnolis Invest Corp.
22 (“Donnolis”) produced to the SEC by the Swiss Financial Market
23 Supervisory Authority (“FINMA”) in response to a request by the SEC
24 under the International Organization of Securities Commissions’
25 (“IOSCO’s”) Multilateral Memorandum of Understanding (“MOU”).

26 11. Attached as **Exhibit 8** is a true and correct copy of a
27 February 17, 2010 form of Finter Bank Zurich (“Finter Bank”) regarding
28 the beneficial ownership of an account in the name of Donnolis. The form

1 was produced to the SEC by FINMA in response to the SEC's MOU
2 request.

3 12. Attached as **Exhibit 9** is a true and correct copy of
4 excerpts from Defendant Wayne Weaver's October 27, 2016 Responses to
5 the SEC's Revised Requests for Admission ("RFAs") that were submitted
6 by Weaver to the SEC during discovery in this case.

7 13. Attached as **Exhibit 10** is a true and correct copy of
8 March 8, 2010 account opening documents for Donnolis' account at Finter
9 Bank that were produced to the SEC by FINMA in response to the SEC's
10 MOU request.

11 14. Attached as **Exhibit 11** is a true and correct copy of
12 February 17, 2010 board meeting minutes of Donnolis as they were
13 produced to the SEC by FINMA in response to the SEC's MOU request.

14 15. Attached as **Exhibit 12** is a true and correct copy of
15 excerpts from the August 20, 2009 Articles of Incorporation of Arcis
16 Assets, S.A. ("Arcis") produced to the SEC by FINMA in response to the
17 SEC's MOU request.

18 16. Attached as **Exhibit 13** is a true and correct copy of a
19 September 17, 2010 Declaration of the Identity of the Beneficial Owner of
20 Arcis produced to the SEC by FINMA in response to the SEC's MOU
21 request.

22 17. Attached as **Exhibit 14** is a true and correct copy of a
23 January 21, 2011 E-mail from Weaver to Berlinger produced to the SEC
24 by Berlinger in response to the SEC's document requests in this case. This
25 exhibit was previously marked as Deposition Exhibit 51 in the deposition
26 of Michael Sun.

27 18. Attached as **Exhibit 15** is a true and correct copy of
28 September 17, 2010 account opening documents for an Arcis account at

1 Compagnie Bancaire Helvetique (“CBH”) produced to the SEC by FINMA
2 in response to the SEC’s MOU request.

3 19. Attached as **Exhibit 16** is a true and correct copy of a
4 February 17, 2011 Certificate of Incorporation for Manitou S.A.
5 (“Manitou”) produced to the SEC by FINMA in response to the SEC’s
6 MOU request.

7 20. Attached as **Exhibit 17** is a true and correct copy of a
8 February 21, 2011 form of Bank Gutenberg declaring the identity of the
9 beneficial owner of Manitou -- produced to the SEC by FINMA in response
10 to the SEC’s MOU request.

11 21. Attached as **Exhibit 18** is a true and correct copy of
12 excerpts from the November 18, 2010 Articles of Incorporation and related
13 incorporation and account opening documents of Calgon produced to the
14 SEC by CIMA in response to the SEC’s MOU request. These pages are
15 part of a group of documents marked as Deposition Exhibit 97 in the
16 deposition of Rene Berlinger.

17 22. Attached as **Exhibit 19** is a true and correct copy of a
18 October 11, 2010 Letter from Michael Sun to Daniel Lacher (of VP Bank)
19 produced by Sun in response to the SEC’s document requests in this case.
20 This document was previously marked as Deposition Exhibit 52 at the
21 deposition of Michael Sun.

22 23. Attached as **Exhibit 20** is a true and correct copy of
23 excerpts from the January 27, 2017 deposition of Mohammed Al-Barwani
24 in this case.

25 24. Attached as **Exhibit 21** is a true and correct copy of
26 account opening documents and a Certificate of Formation for Cilitz and
27 Trade, S.A. (“Cilitz”) produced to the SEC by FINMA in response to the
28 SEC’s MOU request.

1 25. Attached as **Exhibit 22** is a true and correct copy of
2 account opening documents, including a February 11, 2010 Account and
3 Securities Deposit Agreement for Cilitz at Finter Bank produced to the
4 SEC by FINMA in response to the SEC's MOU request.

5 26. Attached as **Exhibit 23** is a true and correct copy of
6 excerpts from the December 14, 2016 Responses from Michael Sun to the
7 SEC's Fist Set of RFAs submitted to the SEC by Sun during discovery in
8 this case.

9 27. Attached as **Exhibit 24** is a true and correct copy of
10 excerpts from the December 14, 2016 Responses by Michael Sun to the
11 SEC's First Set of Interrogatories submitted to the SEC by Sun during
12 discovery in this case.

13 28. Attached as **Exhibit 25** is a true and correct copy of
14 excerpts from the January 22, 2010 Certificate of Incorporation and
15 Articles of Incorporation for Torino Invest, S.R.L. ("Torino") produced to
16 the SEC by FINMA in response to the SEC's MOU request.

17 29. Attached as **Exhibit 26** is a true and correct copy of an
18 October 1, 2010 CBH Account Opening Agreement for Torino produced to
19 the SEC by FINMA in response to the SEC's MOU request.

20 30. Attached as **Exhibit 27** is a true and correct copy of an
21 October 1, 2010 CBH declaration of identity of beneficial owner for Torino
22 produced to the SEC by FINMA in response to the SEC's MOU request.
23 This document was previously marked as Deposition Exhibit 32 at the
24 deposition of Michael Sun.

25 31. Attached as **Exhibit 28** is a true and correct copy of
26 excerpts of account opening documents for Westpark Ltd. ("Westpark") at
27 VP Bank Switzerland Ltd. ("VP Bank") produced to the SEC by Berlinger
28 in response to discovery requests in this case. These pages are excerpted

1 from a group exhibit that was marked as Deposition Exhibit 87 at the
2 deposition of Rene Berlinger.

3 32. Attached as **Exhibit 29** is a true and correct copy of a
4 September 21, 2010 declaration of beneficial owner of Renavial Ltd.
5 (“Renavial”) produced to the SEC by FINMA in response to the SEC’s
6 MOU request. These pages are excerpted from a group exhibit that was
7 marked as Deposition Exhibit 92 at the deposition of Rene Berlinger.

8 33. Attached as **Exhibit 30** is a true and correct copy of a
9 September 14, 2010 Consent of Incorporator and Certificate of
10 Incorporation for Renavial produced to the SEC by FINMA in response to
11 the SEC’s MOU request. These pages are excerpted from a group exhibit
12 that was marked as Deposition Exhibit 92 at the deposition of Rene
13 Berlinger.

14 34. Attached as **Exhibit 31** is a true and correct copy of
15 excerpts of account opening documents for a Renavial account at VP Bank
16 produced to the SEC by FINMA in response to the SEC’s MOU request.
17 These pages are excerpted from a group exhibit that was marked as
18 Deposition Exhibit 92 at the deposition of Rene Berlinger.

19 35. Attached as **Exhibit 32** is a true and correct copy of an
20 August 30, 2010 declaration of identity of the beneficial owner of Las
21 Colinas Ltd. (“Las Colinas”) produced to the SEC by FINMA in response
22 to the SEC’s MOU request. These pages are excerpted from a group
23 exhibit that was marked as Deposition Exhibit 78 at the deposition of
24 Rene Berlinger.

25 36. Attached as **Exhibit 33** is a true and correct copy of a
26 May 11, 2011 “Establishment of the Beneficial Owner’s Identity for Chilli
27 Capital Ltd. (“Chilli Capital”) produced to the SEC by Berlinger in
28 response to the SEC’s discovery requests in this case. These pages are

1 excerpted from a group exhibit that was marked as Deposition Exhibit 83
2 at the deposition of Rene Berlinger.

3 37. Attached as **Exhibit 34** is a true and correct copy of
4 August 27, 2010 Articles of Incorporation for Las Colinas produced to the
5 SEC by FINMA in response to the SEC's MOU request. These pages are
6 excerpted from a group exhibit that was marked as Deposition Exhibit 78
7 at the deposition of Rene Berlinger.

8 38. Attached as **Exhibit 35** is a true and correct copy of
9 excerpts of account opening documents for an account of Las Colinas at
10 VP Bank produced to the SEC by FINMA in response to the SEC's MOU
11 request. These pages are excerpted from a group exhibit that was marked
12 as Deposition Exhibit 78 at the deposition of Rene Berlinger.

13 39. Attached as **Exhibit 36** is a true and correct copy of a
14 March 19, 2012 Republic of Panama Consulta de Mercantil Corporate
15 Registration for Rahela International Inc. ("Rahela") produced to the SEC
16 by the SMV in response to the SEC's request.

17 40. Attached as **Exhibit 37** is a true and correct copy of a
18 November 20, 2007 Verdmont Capital KYC (Know Your Customer) Form
19 for Kevin Miller produced to the SEC by the SMV in response to the
20 SEC's request.

21 41. Attached as **Exhibit 38** is a true and correct copy of
22 excerpts from Kevin Miller's September 15, 2016 responses to the SEC's
23 First Set of RFA's submitted to the SEC during discovery in this case.

24 42. Attached as **Exhibit 39** is a true and correct copy of
25 excerpts from Kevin Miller's June 23, 2016 responses to the SEC's First
26 Set of Interrogatories submitted to the SEC during discovery in this case.

1 43. Attached as **Exhibit 40** is a true and correct copy of a
2 September 28, 2010 Verdmont Capital Corporate Account Form for
3 Rahela produced to the SEC by the SMV in response to the SEC's request.

4 44. Attached as **Exhibit 41** is a true and correct copy of
5 excerpts from Kevin Miller's January 11, 2017 responses to the SEC's
6 Second Set of Interrogatories submitted to the SEC during discovery in
7 this case.

8 45. Attached as **Exhibit 42** is a true and correct copy of
9 excerpts from Kevin Miller's June 23, 2016 responses to the SEC's First
10 Set of Requests for Production submitted to the SEC during discovery in
11 this case.

12 46. Attached as **Exhibit 43** is a true and correct copy of
13 excerpts from the transcript of the January 24, 2017 deposition of
14 Stephen Wheatley in this case.

15 47. Attached as **Exhibit 44** is a true and correct copy of
16 excerpts from the incorporation documents for Petersham Enterprises
17 Limited ("Petersham") produced by Stephen Wheatley during the SEC's
18 investigation of this matter. This document was previous marked as
19 Deposition Exhibit 1 at the deposition of Stephen Wheatley.

20 48. Attached as **Exhibit 45** is a true and correct copy of a
21 September 15, 2010 E-mail from Andrew Golding to Stephen Wheatley
22 produced by Stephen Wheatley during the SEC's investigation of this
23 matter. This document was previous marked as Deposition Exhibit 3 at
24 the deposition of Stephen Wheatley.

25 49. Attached as **Exhibit 46** is a true and correct copy of a
26 September 15, 2010 E-mail from Stephen Wheatley to Andrew Golding
27 produced by Stephen Wheatley during the SEC's investigation of this

1 matter. This document was previously marked as Deposition Exhibit 17 at
2 the deposition of Stephen Wheatley.

3 50. Attached as **Exhibit 47** is a true and correct copy of a
4 November 21, 2016 Declaration of Rohan Marley submitted to the SEC in
5 this case.

6 51. Attached as **Exhibit 48** is a true and correct copy of an
7 August 30, 2016 Declaration of Anh Tien Tran submitted to the SEC in
8 this case.

9 52. Attached as **Exhibit 49** is a true and correct copy of
10 excerpts from the publicly available June 1, 2007 Annual Report Form 10-
11 KSB for Global Electronic Recovery Corporation (“GERC”) as filed on the
12 SEC’s Electronic Data Gathering, Analysis, and Retrieval system
13 (“EDGAR”).

14 53. Attached as **Exhibit 50** is a true and correct copy of
15 excerpts from the publicly available May 15, 2009 Annual Report Form
16 10-K for Jammin Java Corp. (“Jammin Java”) as filed on the SEC’s
17 Electronic Data Gathering, Analysis, and Retrieval system (“EDGAR”).

18 54. Attached as **Exhibit 51** is a true and correct copy of
19 excerpts from the publicly available May 17, 2010 Annual Report Form
20 10-K for Jammin Java as filed on the SEC’s Electronic Data Gathering,
21 Analysis, and Retrieval system (“EDGAR”).

22 55. Attached as **Exhibit 52** is a true and correct copy of
23 excerpts from the publicly available May 17, 2011 Annual Report Form
24 10-K for Jammin Java as filed on the SEC’s Electronic Data Gathering,
25 Analysis, and Retrieval system (“EDGAR”).

26 56. Attached as **Exhibit 53** is a true and correct copy of a
27 May 10, 2007 Corporate Registration for Monolosa Real Estate Inc.
28

1 (“Monolosa”) produced to the SEC by FINMA in response to the SEC’s
2 MOU request.

3 57. Attached as **Exhibit 54** is a true and correct copy of
4 excerpts from account opening documents for an account in the name of
5 Monolosa with VP Bank produced to the SEC by FINMA in response to
6 the SEC’s MOU request.

7 58. Attached as **Exhibit 55** is a true and correct copy of an
8 April 23, 2010 E-mail from Weaver to Wheatley attaching a Share
9 Purchase Agreement produced by Wheatley during the SEC’s
10 investigation of this matter. This document was previously marked as
11 Deposition Exhibit 2 at the deposition of Stephen Wheatley.

12 59. Attached as **Exhibit 56** is a true and correct copy of a
13 July 7, 2016 Declaration of Shane Whittle submitted to the SEC in this
14 case.

15 60. Attached as **Exhibit 57** is a true and correct copy of the
16 April 2, 2012 Republic of Panama, Consulta de Mercantil Corporate
17 Registration Record for Nemo Development S.A. (“Nemo”) produced to the
18 SEC by the SMV in response to the SEC’s request.

19 61. Attached as **Exhibit 58** is a true and correct copy of a
20 November 6, 2010 Fax from Weaver to Wheatley produced by Wheatley
21 during the SEC’s investigation of this matter. This document was
22 previously marked as Deposition Exhibit 6 at the deposition of Stephen
23 Wheatley.

24 62. Attached as **Exhibit 59** is a true and correct copy of a
25 November 16, 2010 Letter from Whittle to G. Fisher produced to the SEC
26 by the SMV in response to the SEC’s request.

27 63. Attached as **Exhibit 60** is a true and correct copy of
28 excerpts from account opening documents for an account in the name of

1 Tyrone Investments, Inc. (“Tyrone”) at Verdmont Capital produced to the
2 SEC by the SMV in response to the SEC’s request.

3 64. Attached as **Exhibit 61** is a true and correct copy of a
4 November 16, 2010 fax from Shane Whittle to Glynn Fisher (of Verdmont
5 Capital) produced to the SEC by the SMV in response to the SEC’s
6 request.

7 65. Attached as **Exhibit 62** is a true and correct copy of a
8 March 15, 2011 Share Purchase Agreement produced to the SEC by
9 FINMA in response to the SEC’s MOU request.

10 66. Attached as **Exhibit 63** is a true and correct copy of a
11 October 3, 2007 Certificate of Incorporation for El Tololo Investment
12 Corp. (“El Tololo”) produced to the SEC by FINMA in response to the
13 SEC’s MOU request.

14 67. Attached as **Exhibit 64** is a true and correct copy of
15 excerpts of account opening documents for an account in the name of El
16 Tololo at Bank Sarasin & Cie A.G. (“Bank Sarasin”) produced to the SEC
17 by FINMA in response to the SEC’s MOU request.

18 68. Attached as **Exhibit 65** is a true and correct copy of
19 excerpts from the November 19, 2007 Certificate of Incorporation and
20 Articles of Incorporation for Luminus Real Estate Inc. (“Luminus”)
21 produced to the SEC by FINMA in response to the SEC’s MOU request.

22 69. Attached as **Exhibit 66** is a true and correct copy of
23 excerpts from account opening documents for an account in the name of
24 Luminus at Finter Bank produced to the SEC by FINMA in response to
25 the SEC’s MOU request.

26 70. Attached as **Exhibit 67** is a true and correct copy of
27 excerpts from the transcript of the November 20, 2013 on-the-record
28

1 investigative testimony of Ahn Tran conducted by the SEC during its
2 investigation of this matter.

3 71. Attached as **Exhibit 68** is a true and correct copy of a
4 publicly available press release issued by Jammin Java on December 23,
5 2010 obtained by the SEC from www.factiva.com, the business
6 information and research tool owned and operated by Dow Jones & Co.

7 72. Attached as **Exhibit 69** is a true and correct copy of
8 excerpts from the publicly available January 5, 2011 Current Report
9 Form 8-K for Jammin Java as filed on the SEC's Electronic Data
10 Gathering, Analysis, and Retrieval system ("EDGAR").

11 73. Attached as **Exhibit 70** is a true and correct copy of a
12 May 20, 2011 E-mail from Berlinger to Weaver produced by Berlinger to
13 the SEC in response to the SEC's discovery requests in this case. This
14 document was previously marked as Deposition Exhibit 105 at the
15 deposition of Rene Berlinger.

16 74. Attached as **Exhibit 71** is a true and correct copy of the
17 Certificate of Incumbency for Straight Path Capital Ltd. ("Straight Path")
18 produced by Berlinger to the SEC in response to the SEC's discovery
19 requests in this case. This document was previously marked as Deposition
20 Exhibit 106 at the deposition of Rene Berlinger.

21 75. Attached as **Exhibit 72** is a true and correct copy of a
22 July 4, 2011 Email from Berlinger to Weaver produced by Berlinger to the
23 SEC in response to the SEC's discovery requests in this case. This
24 document was previously marked as Deposition Exhibit 108 at the
25 deposition of Rene Berlinger.

26 76. Attached as **Exhibit 73** is a true and correct copy of a
27 March 2, 2011 Share Purchase Agreement produced to the SEC by
28 FINMA in response to the SEC's MOU request.

1 77. Attached as **Exhibit 74** is a true and correct copy of an
2 August 10, 2011 Email from Weaver to Berlinger produced by Berlinger to
3 the SEC in response to the SEC's discovery requests in this case. This
4 document was previously marked as Deposition Exhibit 111 at the
5 deposition of Rene Berlinger.

6 78. Attached as **Exhibit 75** is a true and correct copy of
7 January 7, 2013 Email from Weaver to Berlinger produced by Berlinger to
8 the SEC in response to the SEC's discovery requests in this case. This
9 document was previously marked as Deposition Exhibit 112 at the
10 deposition of Rene Berlinger.

11 79. Attached as **Exhibit 76** is a true and correct copy of a
12 series of monthly account statements for Blue Leaf Capital Ltd. ("Blue
13 Leaf") from February 1, 2011 through April 1, 2011 for Blue Leaf's
14 account at Barclay's Bank PLC ("Barclays") produced to the SEC by the
15 UK Financial Conduct Authority ("FCA") in response to a request by the
16 SEC under the International Organization of Securities Commissions'
17 ("IOSCO's") Multilateral Memorandum of Understanding ("MOU").

18 80. Attached as **Exhibit 77** is a true and correct copy of an
19 April 6, 2015 Declaration of Barbara Volpe, Management and Program
20 Analyst for the SEC.

21 81. Attached as **Exhibit 78** is a true and correct copy of
22 December 22, 2010 Emails from Andrew Golding to Wheatley produced by
23 Wheatley during the SEC's investigation of this matter. This document
24 was previously marked as Deposition Exhibit 8 at the deposition of
25 Stephen Wheatley.

26 82. Attached as **Exhibit 79** is a true and correct copy of a
27 July 31, 2011 B&C Capital Inc. ("B&C") Total Portfolio Asset Summary
28 for Petersham produced to the SEC by CIMA in response to the SEC's

1 MOU request. This document was previously marked as Deposition
2 Exhibit 79 at the deposition of Rene Berlinger.

3 83. Attached as **Exhibit 80** is a true and correct copy of a
4 November 4, 2010 email from Michael Sun to Urs@ehpinvest.ch produced
5 by Michael Sun in response to the SEC's discovery requests in this case.
6 This document was previously marked as Deposition Exhibit 37 at the
7 deposition of Michael Sun.

8 84. Attached as **Exhibit 81** is a true and correct copy of a
9 March 2, 2011 email from Weaver to Yves Raggel produced by Stephen
10 Wheatley during the SEC's investigation of this matter. This document was
11 previously marked as Deposition Exhibit 38 at the deposition of
12 Michael Sun.

13 85. Attached as **Exhibit 82** is a true and correct copy of a
14 January 21, 2011 Email from Sun to Weaver produced by Sun in response
15 to the SEC's discovery requests in this case. This document was
16 previously marked as Deposition Exhibit 40 at the deposition of Michael
17 Sun.

18 86. Attached as **Exhibit 83** is a true and correct copy of a
19 January 23, 2011 Email from Weaver to Sun produced by Sun in response
20 to the SEC's discovery requests in this case. This document was
21 previously marked as Deposition Exhibit 43 at the deposition of Michael
22 Sun.

23 87. Attached as **Exhibit 84** is a true and correct copy of a
24 September 22, 2011 Email from Daniel Lacher of VP Bank to Victor
25 Gallus produced by Sun in response to the SEC's discovery requests in
26 this case. This document was previously marked as Deposition Exhibit 45
27 at the deposition of Michael Sun.

28

1 88. Attached as **Exhibit 85** is a true and correct copy of a
2 November 24, 2011 Email from Weaver to Sun produced by Sun in
3 response to the SEC's discovery requests in this case. This document was
4 previously marked as Deposition Exhibit 47 at the deposition of Michael
5 Sun.

6 89. Attached as **Exhibit 86** is a true and correct copy of a
7 December 17, 2011 Email from Mohammed Al-Barwani to Sun produced
8 by Al-Barwani in response to the SEC's discovery requests in this case.
9 This document was previously marked as Deposition Exhibit 63 at the
10 deposition of Mohammed Al-Barwani.

11 90. Attached as **Exhibit 87** is a true and correct copy of a
12 December 21, 2011 Email from Al-Barwani to Daniel Lacher (of VP Bank)
13 produced by Al-Barwani in response to the SEC's discovery requests in
14 this case. This document was previously marked as Deposition Exhibit 64
15 at the deposition of Mohammed Al-Barwani.

16 91. Attached as **Exhibit 88** is a true and correct copy of a
17 March 25, 2010 Email from Sun to Wheatley produced by Sun in response
18 to the SEC's discovery requests in this case. This document was
19 previously marked as Deposition Exhibit 55 at the deposition of Michael
20 Sun.

21 92. Attached as **Exhibit 89** is a true and correct copy of a
22 March 2, 2011 email forwarded by Mohammed Al-Barwani to one of his
23 alternative email addresses produced by Al-Barwani in response to the
24 SEC's discovery requests in this case. This document was previously
25 marked as Deposition Exhibit 66 at the deposition of Mohammed Al-
26 Barwani.

93. Attached as **Exhibit 90** is a true and correct copy of a January 13, 2011 Email from J Jurado to B Gray (and others) produced to the SEC by the SMV in response to the SEC's request.

94. Attached as **Exhibit 91** is a true and correct copy of a March 21, 2011 Email from Berlinger to Weaver produced by Berlinger to the SEC in response to the SEC's discovery requests in this case. This document was previously marked as Deposition Exhibit 102 at the deposition of Rene Berlinger.

95. Attached as **Exhibit 92** is a true and correct copy of a July 11, 2016 Declaration of Wayne Weaver submitted to the SEC in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 31, 2017, at Chicago, Illinois.

s/Timothy S. Leiman
Timothy S. Leiman
Senior Trail Counsel
U.S. Securities and Exchange Commission
(Attorney for the Plaintiff)